IN THE HIGH COURT OF JUDICATURE OF BOMBAY

IN INSOLVENCY

NOTICE OF MOTION NO.90 OF 2006

IN

NOTICE OF MOTION NO. 127 OF 2005

IN

INSOLVENCY NOTICE NO. N/110 OF 2005

Mr.R.L.Ramchandani & ors. .. Judgment Debtors

Ex-parte

State Bank of Indore .. Judgment Creditors

...

Mr.Karl Shroff i/b M/s.Dhru & Co. for judgment debtor.

Mr.M.D. Parekh i/b S. Ashwinikumar & Co. for judgement creditor.

CORAM : D.G. KARNIK, J

DATED : 6th June 2006.

P.C.:

1. Heard learned counsel for the petitioner and respondent.

2. In paragraph no.3 of the affidavit in support of the motion, the petitioner has given sufficient reasons explaining the absence when the motion was called out at 4.50 p.m.on 18th April 2006. An oral request was made for restoration of the motion on the same day. As the other side was not present, a formal motion has been taken out. No affidavit in reply has been filed though the respondent is served. Hence the averments made in paragraph no.3 are deemed to be admitted. I am satisfied that the absence is sufficiently explained. Hence, motion is allowed in terms of prayer clause (a) subject to payment of costs of Rs.250/- to the respondent.

3. Costs shall be paid within a period of two weeks.

(D.G. KARNIK, J)